

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2120 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- SARAN

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1. Ram Dayal Rai , S/o Late Kashish Rai, R/o Village Peer Maker, Mali Tola, P.S. Maker, District- Saran, Chapra.
 2. Baleshwar Rai, S/o Late Bhikan Rai, R/o Village Peer Maker, Mali Tola, P.S. Maker, District- Saran, Chapra.

.... Petitioners

Versus

1. The State of Bihar, Through The Chief Secretary, Government of Bihar, Patna.
2. The State Remission Board through the Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Joint Secretary Cum Director (Administration) Home Department, Government of Bihar, Patna.
4. The Secretary, Law Department, Government of Bihar, Patna.
5. The Inspector General Jail and Reform Services, Government of Bihar, Patna.
6. The Jail Superintendent, Mandal Kara, Saran, Chapra.

.....Respondents

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Appearance :

For the Petitioner/s : Mr. Avinash Kumar Singh, Advocate
For the Respondent/s : Mr. Partha Sarthy (G.A.-4)

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date: 08-11-2017

This writ application has been filed for a direction to the respondents to consider the premature release of the petitioners in terms of the short sentencing policy of the State of Bihar. It is claimed that the petitioners have already completed 14 years of actual imprisonment and more than 20 years with remission.

Under such circumstance, it is urged that his case should be considered. It is also stated that the every authority has



recommended for such release but the final decision is not being taken by the Remission Board, in view of the fact that, the Presiding Judge of the concerned court has given an opinion that since the conviction and sentence has been confirmed up to the High Court, the convicts are not entitled for premature release. Such opinion has been appended in Annexure- 7

In our view, the Presiding Judge has not applied his mind in accordance with the provisions contained in Section 432 of the Cr.P.C. as well as the short sentencing policy of the State of Bihar and a mechanical opinion has been given by him.

In such a situation, this Court would direct the concerned Presiding Officer to expeditiously send his recommendation again after consideration of all the relevant provisions This should be done preferably within a period of three weeks from the date of receipt/production of a copy of this order. Thereafter the matter should be immediately forwarded to the Bihar State Sentence Remission Board, so that the same should be considered by it in its next meeting.

Let a copy of this order be communicated to the concerned Presiding Judge through the concerned District and Sessions Judge Saran at Chapra by way of fax as well as on his official e-mail address so that he could ensure compliance of the



direction contained in this order.

With the observations and directions, this writ application stands disposed of.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

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CAV DATE	
Uploading Date	
Transmission Date	

